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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,400	11/21/2003	Charles Christopher Thorpe	3000177 / 703454-2001	2557

7590 06/22/2005

Bingham McCutchen LLP  
Suite 1800  
Three Embarcadero Center  
San Francisco, CA 94111-4067

EXAMINER
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VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/719,400

Applicant(s)

THORPE ET AL.

Examiner

Quang T. Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-29, 31-62 and 66-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-29, 31-62 and 66-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6, 14-15, 18-19, 23, 27-29, 31, 39-42, 45, 47, 49-50, 53, 56, 59-62, 66-69 and 70-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Housley (US 5,988,045). Housley discloses, figure 1, a utensil supporting multiple cooking environments for preparing foods comprising a microwaveable housing (10) having a lower housing section (12) and an upper housing section (40); a support member (22a, 22b, 22c) in said lower housing section (12); a grill (30) having a surface (32) for supporting the food item thereon, said grill surface (32) defining a plurality apertures (36) and being placed on said support member (22a, 22b, 22c); and a solid or semi-solid gelatinous ingredient (col. 5, lines 60-65); said gelatinous ingredient being located in said lower housing section (12) and below said grill surface (32) so that steam from heating said gelatinous ingredient is applied to the food item through the apertures of said grill surface (col. 6, lines 50-65). With regard to claims 59-62, the gelatinous ingredient having a define shape. Since applying oil (semi-solid gelatinous ingredient) to the food item before cooking at which time is excess, the oil will run off from the food item and into the collected container. It is inherent that the shape of the collected container is the define shape of the oil (gelatinous ingredient). With regard to new

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added claims 70-72, when the grill is heated, the run off oil in the collected container is also heated and melts and generates steam applying flavor to the food item.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 20-22, 43-44, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Koochaki (US 6,229,131).

Housley discloses substantially all features of the claimed invention except a housing including a vent. Koochaki discloses a microwave-cooking grill (100) having a housing including a vent (186). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a housing including a vent as taught by Koochaki in order to release the steam from the cooking housing.

5. Claims 4, 24-26, 46, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Levinson (US 4,923,704).

Housley discloses substantially all features of the claimed invention except said grill surface being coated with a metalized susceptor material. Levinson discloses a grill surface being coated with a metalized susceptor material (col. 4, lines 4-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a grill surface being coated with a metalized susceptor

material as taught by Levinson in order to absorb the microwave energy and also delivery the microwave energy to the cooking food.

6. Claims 16-17, 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Barnes (US 6,608,292). Housley discloses substantially all features of the claimed invention except a connector that couples said lower and upper microwave housing sections. Barnes discloses a connector (212) that couples said lower (104) and upper microwave housing sections (102). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a connector that couples said lower and upper microwave housing sections as taught by Barnes in order to connect the upper and the lower housing section together.

7. Claims 7-13, 32-38 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Choy et al (GB 2308465A). Housley discloses substantially all features of the claimed invention except the flavoring comprising a charcoal flavoring. Choy discloses the flavoring comprising a charcoal flavoring (page 1, lines 7-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley the flavoring comprising a charcoal flavoring as taught by Choy in order to suit the user taste. With regard to a beef flavoring, a lemon flavoring, and the ingredient including an aroma, a coloring for the food item; it would have been obvious to one having ordinary skill in the art to apply different flavoring ingredients to the cooking items. Doing so would please to each person taste.

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8. Claim 3, 20-22, 43-44, 48, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Craft (US 6,018,157). Housley discloses substantially all features of the claimed invention except a housing including vent. Craft discloses a housing (14) including vent (18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a housing including a vent as taught by Craft in order to release the steam from the cooking housing.

***Response to Amendment***

9. Applicant's arguments filed 5/06/2005 have been fully considered but they are not persuasive.

Applicants requested to clarification the asserted "ingredient" is water, oil or grease? In paragraph 12 of the Final Office Action, the Examiner already stated that oil is a gelatinous ingredient that is applied to the cooking food. Applicant further argue that the Examiner "fails to acknowledge that Housley only describes oil and grease in the context of run-off liquids that drain or are extracted from a food item" recited in REMARKS, page 13, lines 8-13). The Examiner disagrees. The run-off oil (semi-solid gelatinous ingredient) is before cooking and is not extracted from the food item. Such an oil is applied to the item before cooking at which time excess will run off the food item and into the collected pan bellow (the base unit 12). When the grill is heated the gelatinous ingredient at least partially liquefies or melts from the semi-solid state and generates steam, the steam being applied flavor to the food item.

In respond to Applicants' argument " Housley clearly does not disclose or suggest "solid or semi-solid gelatinous ingredient..." as recited in independent claim 1. The Examiner disagrees. The oil applies to the food item before cooking, which is not extracted from the food item is semi-solid gelatinous ingredient.

In response to Applicants' argument that there is no motivation or suggestion to combine Housley's reference with Koochaki's reference. Housley discloses substantially all features of the claimed invention except a housing including a vent. Koochaki discloses a microwave-cooking grill (100) having a housing including a vent (186). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a housing including a vent as taught by Koochaki in order to release the steam from the cooking housing. Further, Housley and Koochaki are both in the same technical field "cooking grill for microwave oven" ; therefore, one ordinary skill in the art would use Koochaki's reference to combine with Housley's reference.

In response to Applicants' argument that there is no motivation or suggestion to combine Housley's reference with Levinson's reference. Housley discloses substantially all features of the claimed invention except said grill surface being coated with a metalized susceptor material. Levinson discloses a grill surface being coated with a metalized susceptor material (col. 4, lines 4-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a grill surface being coated with a metalized susceptor material as taught by Levinson in order to absorb the microwave energy and also delivery the microwave

energy to the cooking food. Further, Housley and Levinson are both in the same technical field "cooking grill for microwave oven" ; therefore, one ordinary skill in the art would use Levinson's reference to combine with Housley's reference.

In response to Applicants' argument that there is no motivation or suggestion to combine Housley's reference with Craft's reference. Housley discloses substantially all features of the claimed invention except a housing including vent. Craft discloses a housing (14) including vent (18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a housing including a vent as taught by Craft in order to release the steam from the cooking housing. Further, Housley and Craft are both in the same technical field "cooking grill for microwave oven" ; therefore, one ordinary skill in the art would use Craft's reference to combine with Housley's reference.

Applicants argue that, in Barnes, "the grill elements, however, do not have apertures". The Examiner disagrees. The Examiner cited Barnes' reference for a connector that couples said lower and upper microwave housing sections, but not for the aperture. The grill elements having apertures is already disclosed by Housley's reference. Therefore, Applicants argue that , in Barnes, "the grill elements, however, do not have apertures" is irrelevant.

In response to Applicants' argument that there is no motivation or suggestion to combine Housley's reference with Choy's reference. Housley discloses substantially all features of the claimed invention except the flavoring comprising a charcoal flavoring. Choy discloses the flavoring comprising a charcoal flavoring (page 1, lines 7-12). It



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would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley the flavoring comprising a charcoal flavoring as taught by Choy in order to suit the user taste. Further, Housley and Choy are both in the same technical field "cooking grill for microwave oven" ; therefore, one ordinary skill in the art would use Choy's reference to combine with Housley's reference.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV  
June 16, 2005



Quang T Van  
Primary Examiner  
Art Unit 3742